

FILED

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Richmond Division

2013 JUL -5 A 11:55

CLERK US DISTRICT COURT  
ALEXANDRIA, VIRGINIA

LARA M. DENESIA

Plaintiff,

v.

CIVIL ACTION NO.

ACXIOM INFORMATION SECURITY  
SERVICES, INC.

3:13 cv 426  
REP

SERVE: Secretary of the Commonwealth  
1111 East Broad Street  
4th Floor  
Richmond, VA 23219

Defendant.

COMPLAINT

COMES NOW the Plaintiff, Lara M. Denesia ("Denesia" or "Plaintiff"), by counsel, and as for her Complaint against the Defendant, she states as follows:

PRELIMINARY STATEMENT

1. This is an action for statutory, actual, and punitive damages, costs, and attorneys' fees brought pursuant to 15 U.S.C. § 1681, *et seq.* (the Fair Credit Reporting Act or "FCRA").

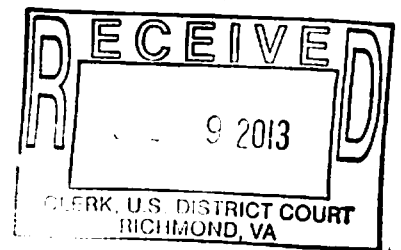
JURISDICTION

2. This Court has jurisdiction pursuant to 28 U.S.C. § 1331 and 15 U.S.C. § 1681(p).

PARTIES

3. Plaintiff is a natural person residing in Virginia, and at all times relevant to the Complaint was a "consumer" as defined by 15 U.S.C. § 1681a(c).

4. Defendant Acxiom is a foreign corporation who regularly conducts business in Virginia.



5. Acxiom is a “consumer reporting agency” as defined in 15 U.S.C. §1681(f). Upon information and belief, Acxiom is regularly engaged in the business of assembling, evaluating, and disbursing information concerning consumers for the purpose of furnishing consumer reports, as defined in 15 U.S.C. §1681(d) to third parties.

6. Upon information and belief, Acxiom disburses such consumer reports to third parties under contract for monetary compensation.

### **FACTS**

7. The Defendant compiles and maintains files on consumers on a nationwide basis. Defendant maintains an extensive database of public records regarding consumers, from which it sells consumer reports to employers and to third parties who use or rebrand the reports and sell them under different names.

8. The Defendant sells millions of these consumer reports annually.

9. Defendant’s reports contain vast amounts of information about an individual consumer that it has assembled and compiled, including where the consumer resides, the consumer’s age, social security number, date of birth, public records including civil judgments and criminal records, and various other pieces of information that are used in evaluating consumers’ credit and employment worthiness.

10. In or around 2011, Plaintiff became a member of Care.com. As part of this membership, Care.com requested a consumer background report, including criminal records information, regarding Plaintiff from Acxiom on or around July 7, 2011.

11. Acxiom completed the consumer background report on or around July 8, 2011.

12. On or around July 11, 2011, Plaintiff received an email from Care.com with a copy of a letter from the Defendant and a copy of Plaintiff’s consumer background report.

13. Upon review of the Acxiom report, Plaintiff discovered that her file contained numerous incorrect entries regarding criminal convictions.

14. Specifically, Plaintiff's Acxiom report showed numerous entries of felony convictions in Fairfax County, Virginia for possession of a controlled drug and a misdemeanor conviction for driving under the influence.

15. The disposition of these charges was listed as "GUILTY PLEA".

16. This information was incorrect. The charges against the Plaintiff for possession of a controlled drug in Fairfax County were dismissed on June 3, 2003.

17. Additionally, Plaintiff was never convicted of driving under the influence.

18. The Defendant failed to establish or follow reasonable procedures to assure maximum possible accuracy in the preparation of the consumer report and consumer files it published and maintained concerning the Plaintiff.

19. On or around July 11, 2011, Plaintiff disputed the felony conviction for possession of a controlled drug and misdemeanor conviction for driving under the influence with Acxiom.

20. On July 26, 2011, Plaintiff received an email from Care.com with an attached copy of Acxiom's amended consumer background report regarding the Plaintiff in which the disputed convictions were removed.

21. However, as a result of the Defendant's violations of the FCRA, Plaintiff suffered actual damages.

22. Additionally, Defendant's violation of 15 U.S.C. § 1681e(b) was willful and Acxiom is liable for punitive damages in an amount to be determined by the Court pursuant to 15 U.S.C. § 1681n.

**COUNT ONE:**  
**(Violation of 15 U.S.C. § 1681e(b))**

23. Plaintiff restates each of the allegations in the preceding paragraphs as if set forth at length herein.

24. The Defendant violated 15 U.S.C. § 1681e(b) by failing to establish or to follow reasonable procedures to assure maximum possible accuracy in the preparation of the consumer reports and consumer files it published and maintained concerning the Plaintiff.

25. As a result of this alleged conduct, action, and inaction, the Plaintiff suffered actual damages.

26. The Defendant's conduct, actions, and inaction were willful, rendering it liable for punitive damages in an amount to be determined by the Court pursuant to 15 U.S.C. § 1681n. In the alternative, it was negligent, entitling the Plaintiff to recover under 15 U.S.C. § 1681o.

27. The Plaintiff is entitled to recover actual damages, statutory damages, costs, and her attorneys' fees from the Defendant in an amount to be determined by the Court pursuant to 15 U.S.C. § 1681n and/or 15 U.S.C. § 1681o.

WHEREFORE, the Plaintiff demands judgment for compensatory, statutory, and punitive damages against the Defendant; for her attorneys' fees and costs; for pre-judgment and post-judgment interest at the legal rate, and such other relief the Court does deem just, equitable, and proper.

**TRIAL BY JURY IS DEMANDED.**

Respectfully submitted,  
**LARA M. DENESIA**

By: 

Of Counsel

Matthew J. Erausquin, VSB No. 65434  
Janelle Mason Mikac, VSB No. 82389  
Casey S. Nash, VSB No. 84261  
*Counsel for the Plaintiff*  
CONSUMER LITIGATION ASSOCIATES, P.C.  
1800 Diagonal Road, Suite 600  
Alexandria, VA 22314  
Tel: (703) 273-7770  
Fax: (888) 892-3512  
matt@clalegal.com  
janelle@clalegal.com  
casey@clalegal.com